

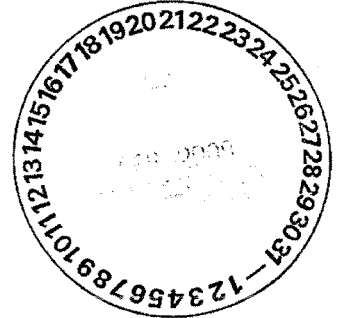
Mendocino County

**Russian River Flood Control &
Water Conservation Improvement District**

151 Laws Avenue, Suite D
Ukiah, CA 95482
Phone (707) 462-5278
FAX (707) 462-5279

February 8, 2008

Ms. Luann Erickson
State Water Resources Control Board
Division of Water Rights
P.O. Box 2000
Sacramento, CA 95812-2000



Re: PROTEST TO MILLVIEW COUNTY WATER DISTRICT
Petition for Changes
Application 3601, License 492
Application 17587, Permit 13936

Dear Ms. Erickson:

The Board of Trustees of the Mendocino County Russian River Flood Control and Water Conservation Improvement District (MCRRFC) hereby objects and protests the Petition Requesting Changes of points of diversion and places of use of Water Rights Permits and Licenses as described for the subject Water District for the following reasons:

1. Will Cause Injury to Existing Water Rights -- MCRRFC does not object to Millview bringing its permits into compliance. MCRRFC does, however, have grave concerns about the ability and legal authority of Millview to serve their customers in the expanded place of use. Millview presently has a moratorium placed on its domestic hookups by the California Department of Public Health, Drinking Water Field Operations Branch, due to its lack of water supply. Further, Millview's request to expand its place of use and to add "irrigation water" to its uses raises the serious concern that Millview will illegally serve our "contract water" to agricultural users outside of agricultural areas allowed to be served under our water rights pursuant to our Permit #12947B.
2. The request for expanded places of use may allow Millview to increase their water connections. Since the subject permit and license both have season of diversion limitations and restrictions, Millview has a necessary contract with MCRRFC for District water for summer diversions. This permitted amount was based on historical use and does not include future expansion areas or uses. In addition, portions of their expanded place of use are outside of MCRRFC's district boundaries. Therefore, there is the possibility that Millview would wrongfully be serving water in the future under which it has no basis of right to customers outside of our place of use.
3. Millview's request contains a description to include the area encompassing the Calpella County Water District. Calpella presently has a contract with MCRRFC and their water is wheeled through Millview. It is not necessary to include the Calpella area in their change of place of use. Further, Millview is prohibited by the terms of its contract with MCRRFC from selling our water to

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Calpella. Finally, it appears that other water agencies, whose supplies may be affected, were not notified of the potential adverse impacts on their supplies by Millview's proposal.

4. Millview's request also includes the former Masonite Property. Millview's anticipated desire to change the ownership, the nature and place of use and points of diversion of the Masonite water rights has never been properly noticed by the SWRCB or reviewed by the public, pursuant to the California Public Resources Code and Water Codes. Further, the Masonite water has not been beneficially used in over seven years. Prior to 2001, no more than 600 to 700 acre feet of Masonite's annual 4200 acre-foot allocation has been beneficially used in a single water year. These water records are on file with the SWRCB and have been included in MCRRFC's annual reporting since 1974.

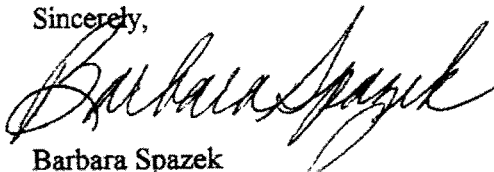
5. And finally, water supplies in the Russian River are very limited. They have become even more limited due to reduction in Eel River water that flows into the Russian River from the Potter Valley project. This water was originally allowed for use by Pre 1949 users. However, with this permanent, regulatory reduction, Pre 1949 usage will have priority over Post 1949 water rights, thereby severely limiting those Post 1949 water rights users. We believe a complete hydrologic analysis quantifying the availability of additional water from the Russian River should be completed, along with the appropriate Environmental Impact Report addressing the potential for new growth as well as potential harm to the listed Anadromous fishery.

6. We believe that all wells located on the Masonite property pump, in whole or in part, subterranean flow water from the Russian River. The SWRCB must not allow any pumping from these wells without appropriately issued new permits that fully comply with all current water rights laws, environmental laws, and public notice requirements

7. In dry years, there will be no flow in some months in the mainstem of the Russian River for Masonite's Post 1949 water right. Masonite did not enter into a water contract with MCRRFC for these "shortage periods." Therefore, any reliance upon Masonite water for "permanent consumptive uses" will be in error due to the lack of "year-round" supplies and water availability.

We assume and ask that the State Water Resources Control Board will fully perform its responsibilities and identify adverse impacts and mitigations required by the California Environmental Quality Act. We ask that each and every one of the points raised in this letter, and each of their individual parts, be addressed in writing prior to any action by the SWRCB.

Sincerely,



Barbara Spazek
Executive Director

Ms. Luann Ericson
Division of Water Rights
February 8, 2008

cc: Mr. Steve Herrera - SWRCB
Mr. Charles Rich - SWRCB
Mr. James C. Hanson
for Millview County Water District